

FUDH 18.076
09/919,204REMARKS

This amendment is in response to the Examiner's Office Action dated 11/23/2004. As per examiner's suggestion on page 2 of the office action of 11/23/2004, applicants have amended the specification without adding new matter. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 1-20 are pending.

Claims 1, 4, 6, 7, 9 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kamentsky et al. (USPA 2002/0065929).

Claims 2, 3, 8 and 11-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamentsky et al. ('929), as applied to claims 1, 4, 6, 7, 9 and 10, further in view of Official Notice.

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention provides for a server storing terminal information including an address of each terminal device belonging to a group constituted by a plurality of terminal devices, wherein the server receives a distribution request from a terminal device belonging to the group including access information and distribution destination information. Based on the access information received from the terminal device, the server accesses and receives the distribution information and, based on the distribution destination information received from the terminal device, the server specifies an address of a distribution destination

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terminal device(s), and distributes the received distribution information to the destination terminal device.

The present invention also provides for an information distribution device comprising:

- (a) a first storage portion for storing terminal information including an address of each terminal device belonging to a group constituted by a plurality of terminal devices; (b) a first receiving portion for receiving, from a terminal device belonging to said group, a distribution request including access information (for accessing distribution information for distribution to all, some or one of said terminal devices belonging to said group) and distribution destination information (specifying a distribution destination terminal device belonging to said group); (c) a second receiving portion for accessing and receiving distribution information based on said access information (*received from the terminal device*) included in a distribution request received by said first receiving portion; (d) a second storage portion for storing said distribution information received by said second receiving portion; and (e) a first transmitting portion for specifying an address of a distribution destination terminal device based on said distribution destination information (*received from the terminal device*) included in a distribution request received by said first receiving portion, and said terminal information stored in said first storage portion, and for distributing to said specified destination terminal device said distribution information stored in said second storage portion.

The present invention also provides for a terminal device comprising: (a) a registration portion for registering terminal information in an information distribution device, wherein the terminal information comprises an address of each terminal device belonging to a group constituted by a plurality of terminal devices; and (b) a transmitting portion for transmitting to

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the information distribution device, a distribution request including access information and distribution destination information, said access information being required for accessing distribution information for distribution to all, some or one of said terminal devices belonging to said group, said distribution destination information specifying a distribution destination terminal device belonging to said group.

In the Claims

REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1, 4, 6, 7, 9 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kamentsky et al. (USPA 2002/0065929). To be properly rejected under 35 U.S.C. § 102(e), each and every element of the claims must be disclosed in a single cited reference. The applicant, however, contends that the presently claimed invention cannot be anticipated in view of the Kamentsky reference.

Kamentsky et al. provides for a promotion delivery system wherein an initial schedule message is sent prior to broadcasting or multicasting a content file. The content file is a promotion or other file that must be efficiently sent to a large number of end devices, such as television or set top boxes. However, as will be shown below, the Kamentsky et al. reference fails to teach many of the limitations of the rejected claims.

The examiner, on page 3 of the office action of 11/23/2004, summarily equates element 200 (i.e., targeted promotion delivery system) of Kamentsky et al. to applicants' information distribution device. The examiner, on the same page, further contends that element 210 (i.e., database) of figure 1 (and associated description in paragraph 29) of the Kamentsky et al.

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reference teaches the limitation of storing terminal information including an address of each terminal device belonging to a group constituted by a plurality of devices, and goes on to state that element 240 (also of figure 1 of the Kamentsky et al. reference) teaches the limitation of a first receiving portion receiving a distribution request from a terminal device belonging to the group, wherein the distribution request includes access information and distribution destination information. A closer reading of the examiner's citations, however, teaches otherwise.

The examiner's equation of element 240 ("PROMOTION MANAGER CLIENT") to applicants' Terminal Device is erroneous and contradictory as element 240 is part of the targeted promotion delivery system 200, which the examiner has previously equated to applicants' information distribution device. Hence, applicants contend that the "Promotion Manager Client" 240 is **NOT** a Terminal Device that belongs to a Group. By the same line of reasoning, applicants also contend that the Kamentsky et al. reference fails to teach the limitation of receiving, from a terminal device, a distribution request including access information and distribution destination information.

If the examiner still feels that such limitations of independent claim 1 (e.g., receiving, a distribution request from a terminal device belonging to a group, wherein the received access information is used to access distribution information for distribution to all, some or one of said terminal devices belonging to said group, etc.) are provided for in the Kamentsky et al. reference, applicant respectfully reminds the examiner to specifically point out how such limitations are taught or suggested in the Kamentsky et al. reference (as the examiner's citations fail to teach such limitations and applicants respectfully submit that it is the duty of the examiner to specifically point out each and every limitation of a claim being rejected as per §1.104(c)(2) of

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Title 37 of the Code of Federal Regulations and section 707 of the M.P.E.P., which explicitly states that "the particular part relied on must be designated" and "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified").

Applicants would like to note that the only terminal devices taught in the Kamentsky et al. reference are the "end node devices" such as a "set top box" 10 of figure 1. Hence, the Kamentsky reference merely teaches the maintenance of viewership profiles, which are in turn used to associate a group set top boxes with a given target promotion (see page 2, paragraphs 19 and 20 of the Kamentsky et al. reference). However, it should be noted that the Kamentsky et al. reference in its entirety does **NOT** teach or suggest such set top boxes sending a distribution request including access information and distribution destination information to an information distribution device as claimed in claims 1

In light of the arguments presented above, applicants contend that the Kamentsky et al. reference fails to anticipate or render obvious each and every limitation of the claim 1, and therefore note that the presently claimed invention cannot be anticipated in view of the Kamentsky reference. Hence, applicants respectfully request the examiner to remove the rejection with respect to claim 1.

The above-mentioned arguments substantially apply to rejected claims 4, 6, 7, 9 and 10 as they inherit all the limitations of independent claim 1. Hence, applicants respectfully request the examiner to remove the rejections with respect to these claims.

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09/919,204REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 2, 3, 8 and 11-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamentsky et al. ('929), as applied to claims 1, 4, 6, 7, 9 and 10, further in view of Official Notice. To establish a *prima facie* case of obviousness under U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Applicants contend that the Kamentsky et al. reference in view of Official Notice fails to provide for many of the limitations of the rejected claims.

With respect to dependent claims 2-3 and 8, applicants wish to note that the above-mentioned arguments with respect to independent claim 1 substantially apply to such dependent claims as they inherit all the limitations of the claim from which they depend. Hence, applicants respectfully request the examiner to remove the rejections with respect to claims 2-3 and 8.

With respect to independent claims 11, and 15-20, the examiner summarily states on page 7 of the office action that the Kamentsky et al. reference "teaches the invention substantially as claimed in claims 1, 4, 6-7 and 9-10 above". However, the examiner is respectfully reminded that independent claims 11, 17, and 20 relate to a "terminal device", NOT the information distribution device of claim 1. Applicants also want to respectfully disagree with the examiner's

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statement that the only limitation that the Kamentsky et al. reference fails to teach is the limitation of "registering the plurality of terminal devices with the information distribution device as a group for multicasting", as it has been shown above that the Kamentsky et al. reference fails to teach or suggest many of the limitations of applicants' claims.

With respect to the rejections of independent claims 11, 15, 17, and 20, it is once again emphasized that the "Promotion Manager Client" 240 is not a terminal device and, hence, the Kamentsky et al. reference fails to teach the limitation of receiving, from a terminal device, a distribution request including access information and distribution destination information. The only terminal devices that are taught in the Kamentsky et al. reference are the "end node devices" such as a "set top box" 10 of figure 1, wherein viewership profiles are maintained and used to associate a group of such set top boxes with a given target promotion. However, the Kamentsky et al. reference in its entirety does not teach or suggest such set top boxes sending a distribution request including access information and distribution destination information to an information distribution device as claimed in claim 1.

With respect to the rejections of claim 16, 18, and 19, the above mentioned arguments for claim 1 substantially apply as the Kamentsky et al. reference fails to teach the limitation of receiving, from a terminal device, a distribution request including access information and distribution destination information.

The above-mentioned arguments substantially apply to rejected dependent claims 12-14, as they inherit all the limitations of the claim from which they depend (i.e., independent claim 11).

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In addition to failing to meet many of the limitations of applicants' claimed invention, applicants also contend that there is no suggestion or motivation in the cited reference (Kamentsky et al.) to combine the reference with the Official Notice. For example, there is no suggestion or motivation in the Kamentsky et al. reference to configure a system to perform a process for sharing information in a group, wherein such a process is triggered by the distribution signal sent from a terminal device that a user (who wants to share the information and belongs to the group) uses. There is also no suggestion or motivation in the Kamentsky et al. reference to configure a system for the user who wants to share the information to bear the charges relating to the sharing process instead of the sharing partner. Further, there is no suggestion or motivation in the Kamentsky et al. reference to configure a system to distribute information to different types of devices.

Hence, applicants contend that the examiner has failed to establish a *prima facie* case of obviousness under U.S.C. § 103, as there is no suggestion or motivation, either in the Kamentsky et al. reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the Kamentsky et al. reference or to combine reference teachings to provide for many of the claimed limitations. Additionally, the examiner has failed to establish a *prima facie* case of obviousness under U.S.C. § 103, as the Kamentsky et al. in view of Official Notice fails to teach or suggest all the claim limitations. Hence, applicants respectfully request the examiner to withdraw the rejections with respect to claims 2-3, 8, and 11-20.

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As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

This Amendment is being filed with an extension of time. The Commissioner is hereby authorized to charge the extension fee, as well as any deficiencies in the fees provided to Deposit Account No. 50-1290.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,



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